

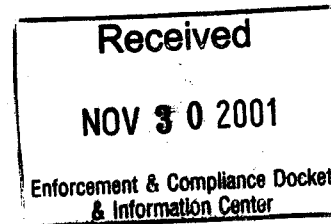
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To: docket.oeca@epamail.epa.gov  
cc:  
Subject: COMMENTS ON ESTABLISHMENT OF ELECTRONIC REPORTING



**COMMENTS ON ESTABLISHMENT OF ELECTRONIC REPORTING;  
ELECTRONIC RECORDS**

**DOCKET NUMBER EC-2000-007**

**SUBMITTED ELECTRONICALLY TO: docket.oeca@epa.gov  
Environmental Protection Agency**

**Enforcement and Compliance Docket and Information Center**

**Attn: Docket Number EC-2000-007**

**Washington DC 20460**

Submitted By: Mike Paque, Executive Director, Ground Water Protection Council

The Ground Water Protection Council (GWPC), a national organization of state ground water and underground injection control regulatory agencies, has learned that the comment period for the Rule proposed under Docket Number EC-2000-007 has been extended for 60 days, or until January 29, 2002. If that is the case, it is our intention to provide additional comments concerning EPA's proposed rule: Establishment Of Electronic Reporting; Electronic Records, in advance of the extended date of 1-29-02. This proposed rule is referred to as Cross-Media Electronic Reporting and Record Keeping Rule, or "CROMERRR".

We would like to offer several general comments which may be followed by more specific ones after our membership has had the opportunity to review the proposed Rule at our National UIC Meeting, January 22-24, 2002. Present at that meeting will be (apx) 25 state agency program managers, representatives of the USEPA, and members of related associations from the regulated community.

The apparent purpose of CROMERRR is to improve and promote voluntary electronic record keeping and submission of electronic environmental data/documents to EPA. The proposed Rule communicates EPA's concern for, and highlights a number of factors believed to be necessary for, the maintenance and communication of trustworthy and reliable electronic records. The GWPC State members share these concerns and offer the following general comments with regard to the proposed Rule:

- 1) There is some concern by states that the initial goal to make CROMERRR a voluntary rule would evolve into a mandatory requirement when electronic record keeping requirements must be maintained by an acceptable electronic record retention system as specified in the proposed Rule.

- a) The definition of an electronic record as "any combination of text, graphics, data,

audio, pictorial, or other information represented in digital form that is created, modified, maintained, archived, retrieved, or distributed by a computer system " raises concern in that a record generated by computer but archived in a paper format would not meet the apparent electronic record retention requirement.

b) The proposed Rule states that EPA would inform any regulated company or other entity that maintains records addressed by this proposed rule under EPA regulations, when they can/should store records electronically. We suggest clarification be made as to the validity of current electronic records and record retention systems utilized by state agencies or regulated companies that are used to report to the EPA.

2) The development of substantially new or significant changes to existing state record retention programs and procedures, the training of personnel, purchase of additional hardware/software, the cost of storing electronic records for the specified timeframe, would be expensive, time-consuming, and in many cases provide no incremental or additional environmental benefit to the public.

a) Many state agencies have invested considerable resources developing their existing electronic forms and systems for electronic data submission and storage. These public investments would be , in many instances, prematurely diminished in value if they do not contain or meet additional record retention requirements proposed under CROMERRR.

3) The state program offices maintain strong field presence and strive for good working relationships with their regulated community. It would appear that for the most part, the states and EPA program oversight offices have developed, and rely upon a relationship of trust. This has evolved and been reinforced through annual program reviews. If record management is basically adequate now, we suggest that EPA not fix what isn't broke, but cautiously, and with sensitivity to past public investments, as well as future state resource capabilities, propose only those incremental changes that make both environmental and economic sense. Defining what those are should be a joint effort between the state primacy agencies and the EPA program offices. The GWPC is prepared to assist in any way in such an effort.

4) Given the constant change in hardware and software capabilities, EPA's goal of improved electronic reporting and record retention is understandable. The states have no less a

desire to improve their record keeping, as well as its value and presentation to the public. The cost of implementing the proposed Rule must be weighed against the competing use of state and/or federal resources that promote highly cost effective voluntary compliance through good field presence, focused enforcement, and public education and outreach. We fear that the cost and time constraints to the states, to implement this proposed rule as is, are overly burdensome; and may discourage the additional environmental benefits the Rule seeks to achieve.

Respectfully submitted,

Michel J. Paque

GWPC Executive Director

November 29, 2002